

Leave Act to provide support and security for New York's working families

By Council Members Lancman, The Speaker (Council Member Mark-Viverito), Ferreras, Cumbo, Arroyo, Chin, Gentile, Gibson, Johnson, Lander, Richards, Rose, Rosenthal, Menchaca, Crowley, Rodriguez, Van Bramer, Williams, Dromm, Garodnick, Miller, Cornegy, Cohen, Eugene, Kallos and the Public Advocate (Ms. James)

Whereas, According to the New York State Department of Labor, in December 2014, roughly 3.6 million people worked in the private sector in the New York City region, and more than 500,000 people worked in the public sector, meaning that 56.5 percent of the New York City population over the age of 16 was employed; and

Whereas, Each year, many of these New York City workers need time away from work to address major health and family obligations, including a serious personal illness, seriously ill family members and the arrival of a child; and

Whereas, The federal Family and Medical Leave Act of 1993 ("FMLA") generally covers a person who works for public agencies and for private employers with more than 50 employees if the worker, 1) works in a location with (or near) a certain number of other employees, 2) has worked for his or her employer for more than 12 months, and 3) worked more than 1,250 hours in the prior year; and

Whereas, Currently, the FMLA provides up to 12 weeks of unpaid leave for workers whose families are dealing with certain major health or life events, such as a serious medical condition or the arrival of a child; and

Whereas, The United States (U.S.) Department of Labor reported in 2013 that, nationwide, only approximately 59 percent of employees are eligible for FMLA leave, leaving almost half of employees uncovered; and

Whereas, According to that U.S. Department of Labor survey study, only about 16 percent of those employees nationwide who even are covered by FMLA took FMLA-qualifying leave in the prior year; and

Whereas, According to that study, between four and five percent of the employees surveyed reported having an unmet need for leave, and 46 percent of employees who needed but did not take leave reported that they could not afford to do so; and

Whereas, For those who take FMLA leave, the financial consequences of losing one's income for weeks or months in order to care for a family member can be devastating; and

Whereas, Most workers must rely on their employers for any paid leave and, according to a 2013 survey study by the U.S. Department of Labor, only approximately 12 percent of private sector employees are entitled to paid leave; and

Whereas, New York State's current Temporary Disability Insurance cash benefits are capped at \$170 per week for eligible employees, an unsustainably low level, and

Whereas, To address the lack of paid family leave and the untenably low Temporary Disability Insurance benefits, S.3004, sponsored by State Senator Joseph Addabbo, Jr., and A.3870, sponsored by Assembly Member Catherine Nolan, which are commonly called the Paid Family Leave Act, are currently pending before the Legislature; and

Whereas, Under that Act, qualifying employees would be eligible to receive two-thirds of their average weekly wage, up to a maximum of 35 percent of the statewide weekly average wage the first year, increasing annually up to a maximum of 50 percent of the statewide weekly average wage in 2019; and

Whereas, This change would raise the Temporary Disability Insurance benefit to a more livable level; and

Whereas, The Act would provide paid family leave insurance, financed by small contributions from employees, to support up to twelve weeks of job-protected paid family leave for qualifying employees; and

Whereas, A 2011 study by the Center for Economic and Policy Research reported that five years after California implemented a paid family leave program, nearly 89 percent of employers reported that the program had either a "positive effect" or "no noticeable effect" on productivity, roughly 91 percent reported a "positive effect" or "no noticeable effect" on profitability or performance, and more than 95 percent reported either a "positive effect" or "no noticeable effect" on employee turnover and morale; and

Whereas, In that study, businesses with fewer than 100 employees were especially likely to report that

paid family leave had not negatively impacted productivity, profitability or performance, or morale; and

Whereas, Millions of working New Yorkers should not have to lose their income and put their families in financial jeopardy in order to care for their family members; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass, and the Governor to sign, the Paid Family Leave Act to provide support and security for New York's working families.

LS# 3705
4/14/15
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